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EXAMINER

PILLAI, NAMITHA

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/659,258

Applicant(s)

HINTERMEISTER ET AL.

Examiner

Namitha Pillai

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2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. The Examiner acknowledges Applicant's submission on 3/14/06 including arguments against the current rejection. All pending claims have been rejected where the previous rejection has been maintained.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4-23 and <sup>26</sup>~~27~~-43 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U. S. Patent No. 6,535,227 B1 (Fox et al.), herein referred to as Fox. RB

Referring to claim 1, Fox discloses a method for managing computer hardware components by displaying a pictorial representation on a computer display with a plurality of hardware components and representing a physical configuration of each of the plurality of hardware components (column 3, lines 23-26). Fox also discloses that in response to user input, indicating a selected status for multiple hardware components from the plurality of hardware components within the pictorial representation associated with the plurality of hardware components (column 3, lines 29-32).

Referring to claims 4 and 26, Fox discloses an unused interface component which is used to configure physically interconnect with another hardware component further comprising managing the unused user interface component through user input directed to the pictorial representation (column 8, lines 55-58).

Referring to claims 5 and 27, Fox discloses that each of the plurality of hardware components is associated with a vulnerability attribute (column 9, lines 5-8). Fox also discloses comparing attributes associated with the plurality of hardware components against a filter criterion (column 9, lines 5-8) and selecting those hardware components with attributes that match the filter criterion, with the pictorial representation continuing to depict at least one non-selected hardware component after such selection, where both the selected and unselected components are displayed (column 9, lines 15-17).

Referring to claims 6 and 28, Fox discloses that user input is used for generating the filter criterion (column 9, lines 5-8).

Referring to claims 7 and 29, Fox discloses selecting the filter criteria from a plurality of predetermined filter criteria, each of the predetermined filter criteria associated with a predetermined view among a plurality of views, wherein various dialogues or views are displayed depicting selection criteria for different attributes including vulnerability and sensitivity attributes (column 8, lines 64-67 and column 9, lines 1-8).

Referring to claim 8, Fox discloses that each hardware component is associated with a hardware type and the filter criterion identifies a selected hardware type, wherein selecting those hardware components includes selecting those hardware components

associated with the selected hardware type, where the “ANSSR RISK” view filter criterion shows the use of the hardware types in the filter criterion (Figure 10).

Referring to claim 9, Fox discloses updating the indication of the selected status for the hardware components responsive to selection of those hardware components associated with attributes that match the filter criterion, where the risk network elements are selected, in relation to the risk elements that are displayed on the filter criterion (column 9, lines 15-30).

Referring to claims 10 and 30, Fox discloses that each of the plurality of hardware components is associated with at least one of a plurality of diagrams, each of which depicting a physical location of at least one of the plurality of hardware components (Figure 10). Fox also discloses displaying within this pictorial representation only those diagrams from the plurality of diagrams that depict the physical location of at least one hardware component having a selected status (reference number 276, Figure 10).

Referring to claims 11 and 31, Fox discloses visually highlighting those portions of the pictorial representation that depict the physical configurations of the multiple hardware components that have a selected status (column 3, lines 29-32).

Referring to claims 12 and 32, Fox discloses updating the status of a hardware component to one of selected status and an unselected status (column 7, lines 5-15), wherein the displaying of these hardware components is in responsive to user input directed to that portion of the pictorial representation that depicts the physical configuration of the first hardware component (column 3, lines 29-32).

Referring to claims 13 and 33, Fox discloses performing a management operation on all of the multiple hardware components that have a selected status responsive to user input (column 3, lines 293-32), the operation being the vulnerability determining of a set of hardware components.

Referring to claim 14, Fox disclose that the multiple hardware components are physically locate in a plurality of computers, as is the case with components from belonging to a network, wherein the performing management operation includes performing the management operation in each of the plurality of computers (column 3, lines 22-32).

Referring to claim 15, Fox disclose that at least two of the plurality of computers utilizes different types of computer platforms (column 5, lines 1-5).

Referring to claims 16 and 35, Fox discloses a list of available management operations associated with a hardware component among the plurality of hardware component in response to user input directed to that portion of the pictorial representation that depicts the physical configuration of the first hardware component (Figures 8).

Referring to claims 17 and 36, Fox discloses displaying a list of available management operations within a context sensitive menu and initiating one of the available management operations on the hardware component in response to user input directed to the context sensitive menu (Figures 8 and column 3, lines 35-45).

Referring to claims 18 and 37, Fox discloses retrieving status information associated with a first hardware component among the plurality of hardware

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components in response to user input directed to that portion of the pictorial representation that depicts the physical configuration of the first hardware component (column 3, lines 29-32).

Referring to claims 19, Fox discloses including locating a user-manipulated pointer over that portion of the pictorial representation that depicts the physical configuration of the hardware component and displaying the retrieved status information within a pop-up window disposed proximate that portion of the pictorial representation that depicts the physical configuration of the hardware component (column 8, lines 64-67).

Referring to claims 20 and 38, Fox discloses that the pictorial representation and indicating the selected status are performed on a single computer, wherein all the needed information is contained within that single computer (column 3, lines 18-21), describing a computer system which holds the information for presenting network topology.

Referring to claims 21 and 39, Fox discloses displaying the pictorial representation and indicating the selected status are performed on a first computer with at least a portion of the plurality of hardware components being physically located in a second computer in communication with a first computer, with these components being part of a network (column 3, lines 22-26).

Referring to claim 22, Fox discloses that each of the plurality of hardware components is disposed in a computer from a group consisting of a single-user computer, multi-user computer, clustered computer, multi-unit computer, with a

computer system, and the networks representing the systems with a plurality of computers (column 3, lines 25-45).

Referring to claims 23, Fox discloses an apparatus including a program residing in memory (column 7, lines 1-45). Fox discloses a method for managing computer hardware components by displaying a pictorial representation on a computer display with a plurality of hardware components and representing a physical configuration of each of the plurality of hardware components (column 3, lines 23-26). Fox also discloses that in response to user input, indicating a selected status for multiple hardware components from the plurality of hardware components within the pictorial representation with the plurality of hardware components (column 3, lines 29-32).

Referring to claim 40, Fox discloses a program residing in memory (column 7, lines 28-32). Fox discloses a method for managing computer hardware components by displaying a pictorial representation on a computer display with a plurality of hardware components and representing a physical configuration of each of the plurality of hardware components (column 3, lines 23-26). Fox also discloses indicating in response to user input, a selected status for multiple hardware components from the plurality of hardware components within the pictorial representation with the plurality of hardware components (column 3, lines 29-32). Fox also discloses a signal-bearing medium bearing the program (column 7, lines 1-5).

Referring to claim 41, Fox discloses that the signal-bearing medium includes at least one of a recordable medium and a transmission medium (column 7, lines 1-12).



Referring to claim 42, Fox also discloses automatically generating a pictorial representation on a computer display having a plurality of hardware components within the plurality of computers, identifying a plurality of hardware components resident in the plurality of computers (column 3, lines 23-26). Fox also discloses performing at least one management operation on multiple selected hardware components among the plurality of hardware components in response to user input directed to that portion of the pictorial representation that represents the physical configuration of one of the multiple selected hardware components, (column 3, lines 293-32), the operation being the vulnerability determining of a set of hardware components.

Referring to claim 43, Fox discloses each of the plurality of hardware components is associated with at least one attribute and wherein each of the plurality of hardware components is associated with at least one of a plurality of diagrams (column 8, lines 64-67 and column 9, lines 1-8). Fox discloses that each of the plurality of hardware components is associated with at least one attribute and a method to compare attributes associated with the plurality of hardware components against a filter criterion and selecting those hardware components associated with the attributes that match the filter criterion (column 9, lines 15-17). Fox discloses dynamically generating the pictorial representation includes displaying the pictorial representation only the diagrams with the selected hardware components (column 9, lines 30-32).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 2, 3, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fox and EP 0687977 A2 (Davis et al.), herein referred to as Davis.

Referring to claims 2 and 24, Fox does not disclose an enclosure within which the hardware components are disposed. Davis discloses a diagram of at least one enclosure within which the plurality of hardware components is disposed, further depicting a physical location of each of the plurality of hardware components in the enclosure (Figure 5). The enclosure allows for the hardware components to be stored in, thereby serving as storage. It would have been obvious for one skilled in the art, at the time of the invention to a diagram of at least one enclosure within which the plurality of hardware components is disposed, further depicting a physical location of each of the plurality of hardware components in the enclosure. Davis has depicted a type of hardware device including components that can be stored in an enclosure, wherein Fox with the ability to display various kinds of hardware component information would include the enclosure where the hardware components are stored in. Hence, it would have been obvious to one skilled in the art, at the time of the invention to a diagram of at least one enclosure within which the plurality of hardware components is disposed, further depicting a physical location of each of the plurality of hardware components in the enclosure.

Referring to claims 3 and 25, Fox and Davis discloses a first view of the enclosure taken from a first viewpoint and wherein the pictorial representation further

includes a second diagram depicting a second view of the enclosure taken from a second viewpoint (Davis, Figure 5), wherein Davis displays a front view and back view showing two different viewpoints of the enclosure.

### ***Response to Arguments***

4. Applicant's arguments filed 3/14/06 have been fully considered but they are not persuasive.

A pictorial representation is interpreted as an illustration of pictures, which can represent items. The claims of the present invention teach that the pictorial representation is associated with the physical configuration, where as long as there is an association between the pictorial representation and the hardware components, it reads on the teaching that pictorial representation is associated with and representing hardware components. As far as the components being displayed are an illustration of pictures that **represent** hardware components, Fox reads on the elements claimed in the present invention.

The icons and the connections all represent the physical hardware components, with each of the icons serving as representatives and associated with the actual physical hardware components. The diagrams of the icons represent a physical configuration of the hardware components.

Fox teaches the icons displaying a selected status and Fox further teaches that elements representative and associated with the hardware components are also displayed and allows for user selection. See column 3, lines 30-45. Fox refers to status determination based on user selections made, with the selected portions clearly

indicating that the user has selected distinct portions for which the status information is displayed. Selected components indicate different status data related to the state of the multiple hardware components that have been selected primarily so that its status can be determined.

Fox has also provided a user interface through which multiple hardware components can be manipulated where management operations can be carried out on multiple hardware components. See column 3, lines 60-67. Fox by providing teaching where the user is allowed to select distinct hardware components teaches that a filter criterion exists where the user chooses distinct components teaching a filtering process and criteria. Fox has also provided with multiple node views where the user selects various information from different views to access necessary information (Figure 7). Fox also clearly teaches visually highlighting selected components (column 3, lines 29-32).

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Responses to this action should be submitted as per the options cited below: The United States Patent and Trademark Office requires most patent related correspondence to be: a) faxed to the Central Fax number (571-273-8300) b) hand carried or delivered to the Customer Service Window (located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in 37 CFR 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063.


All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Namitha Pillai  
Assistant Examiner  
Art Unit 2173  
May 23, 2006



**RAYMOND J. BAYERL**  
**PRIMARY EXAMINER**  
**ART UNIT 2173**